



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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**Wednesday, June 3, 2009
9:00 AM**

1. INVOCATION

Tim Phillips, General Manager and Chief Engineer, Flood Control District, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Eve Murillo, Internal Audit, led the assemblage in the Pledge to the Flag.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, June 03, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis introduced a long-haired, two-month old kitten from Animal Care and Control. She indicated they are being inundated with cats this summer, receiving 50-75 a day, and asked those wanting a pet to contact the shelter at 602-506-CATS for information.

~ Supervisor Brock entered the meeting ~

STATUTORY HEARINGS

Clerk of the Board

5. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. SPECIAL EVENT LICENSE FOR ROTARY CLUB OF ANTHEM

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Craighton T. Boates for the Rotary Club of Anthem at 41703 N. Gavilan Peak Parkway, Anthem, AZ 85086 to be held on July 3, 2009 from 4:00 p.m. to 10:00 p.m. (Supervisory District 3) (C-06-09-429-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Brock
Absent: Wilcox

Public Works

6. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

a. ROAD FILE NO. A413

Road File No. A413, Said roadway alignments also known as Ellsworth Road from Hunt Highway to Cloud Road, San Tan Boulevard from 2,120 feet west of Ellsworth Road to Ellsworth Road and Riggs Road from 1,625 feet west of Ellsworth Road to Ellsworth Road, all lying in Supervisor District 1. (C-91-09-165-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Planning and Development

7. MARICOPA COUNTY DRAINAGE REGULATIONS FEE SCHEDULE REVISION

Pursuant to A.R.S. § 11-251.08, convene the scheduled public hearing to solicit comments and consider the adoption of TA2008011, a proposal to amend the Fee Schedule for the Drainage Regulations of Maricopa County. The amended Drainage Regulation Fee Schedule is to be effective upon Board approval.

This amendment is to modify the existing fee structure to reflect current business practices and allow for recovery of fees for services.

An analysis of the cost for providing drainage has revealed that the current fee schedule does not allow for cost recovery of services rendered and that all fee categories for services are not provided under the Drainage Regulations.

A comparative analysis revealed that the proposed fees and categories are similar when benchmarked against other jurisdictions. (C-44-09-127-M-00)

Motion to continue as an indefinite continuance, by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Superior Court Judges and Commissioners

8. PARENTING CONFERENCE FEE ADJUSTMENT

Pursuant to A.R.S. §11-251.08, convene the scheduled public hearing to authorize and approve the Superior Court in Maricopa County to increase the Parenting Conference fee.

The proposed increase will raise the cost of a parenting conference to \$300.00 per party, an increase of \$100.00 over the existing fee. The additional monies will be attributable to and cover the expense of providing the service for which the fee is assessed. This fee increase will not exceed the actual cost of the product or service being provided.

The higher fee will offset increasing costs associated with parenting conferences. Authority for this request is based on A.R.S. 11-251.08. Parenting conferences address a vital component of any family relationship and the ongoing dynamic between the parents when dealing with their child(ren)'s issues and needs. Starting in FY2010, the Court will enter into a new venture to contract these services with outside providers and as a result, the anticipated cost will be higher to secure qualified vendors and to maintain a sufficient level of staff support and contract management. Monies collected are intended for use to offset the material, labor, equipment, and personnel expenses of providing parenting conferences. The fees are deposited by the Clerk of the Court into the General Fund (100) with the Maricopa County Treasurer. Parties will be permitted to request a waiver or deferral of fees using the process that is established and no party will be precluded from pursuing relief solely due to inability to pay these costs. Upon Board approval, the effective date for the new fee will be July 1, 2009.

A large number of cases in Family Court seek relief for parenting time arrangements and decisions on child custody matters. The purpose of the non-confidential Parenting Conference is to assist the Court in determining the best interests of the child(ren) by providing information, frequently including recommendations, with respect to the children's residential arrangements, the amount of time they spend with each parent, and how the parents might assume decision-making responsibility for their children.

Conciliation Services is projecting 2,149 Parenting Conferences requested or ordered by the Court and completed by members of Conciliation Services in FY2010. Although all parties are required to pay a filing or response fee, these costs were never designed to support the level of services now offered by Conciliation Services. Parenting conferences average one hour of administrative support staff time, three hours of client interview session and five hours of report drafting and preparation prior to submission to the parties, counsel and the court for approval. Upon Board approval, the costs will be assessed to each party or other apportionment as ordered by the Court. (C-80-09-010-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

9. ESTABLISHMENT OF A NEW MINUTE ENTRY DISTRIBUTION FEE

Pursuant to A.R.S. §11:251.08, convene the scheduled public hearing, to solicit comments and consider the adoption of a new Minute Entry Distribution Fee of \$1.00 to be assessed on each mailing of paper minute entry documents to attorneys endorsed on those minute entries. The proposed fee proceeds will be collected and deposited by the Clerk of the Superior Court (160) in the General Fund (100) with the Maricopa County Treasurer for disbursement by the Clerk of the Superior Court. Monies collected will be used to offset the costs of the mailing of paper minute entry documents to attorneys. Upon Board approval, this item will become effective July 1, 2009.

On January 8, 2009, the Supreme Court issued Administrative Order 2009-01 to address budget reductions in the Judicial Branch of Arizona. As part of that order, Clerks of the Superior Court throughout the state were authorized to distribute minute entries electronically via e-mail if local court technology capabilities permit doing so. Further, approval was given for each superior court presiding judge and clerk of the superior court to

request the Board of Supervisors of their respective counties to establish a fee pursuant to the provisions of A.R.S. § 11-215.08 to recover paper minute entry preparation and mailing costs. Attorneys choosing to receive paper copies of minute entries may do so upon paying the Minute Entry Distribution fee established by the Board of Supervisors. The Minute Entry Distribution fee will recover costs associated with the mailing of minute entries to attorneys in all case types. Attorneys have the option of receiving minute entries by email to avoid the Minute Entry Distribution fee and to receive the documents in a more timely fashion. (C-16-09-005-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Superintendent of Schools

10. HEARING REGARDING OVEREXPENDITURE REQUEST BY SADDLE MOUNTAIN UNIFIED SCHOOL DISTRICT #90 FOR FY 2007-08

Conduct a hearing to determine whether to approve the petition from the School Governing Board of the Saddle Mountain Unified School District #90 requesting the authority to incur liabilities in excess of the budget pursuant to A.R.S. §15-907 in the amount of \$31,357.43. These legal fees were not originally accounted for in the school district's budget for FY 2007-08 as they were unexpectedly incurred due to unique circumstances, which exist at the school district.

The School Governing Board of the Saddle Mountain Unified School District #90 has petitioned Maricopa County Superintendent of Schools (MCSOS) to forward their petition with MCSOS recommendations to Maricopa County's Board of Supervisors requesting the authority to incur liabilities in excess of the budget pursuant to A.R.S. § 15-907. These unexpected legal fees were incurred in FY 2007-08 due to numerous items related to receivership, resignation of the superintendent, inter-governmental agreement with Palo Verde Elementary District, unemployment claims, governing board recall election, litigation with a construction contractor, and litigation by a former employee, among others. Also, these expenditures are not considered normal recurring costs for legal fees of a school district and have been incurred due to the unique circumstance, which exist at the district.

Therefore, it is the recommendation of the Superintendent of Schools to the Board of Supervisors for Maricopa County to approve the authority to incur liabilities in excess of the budget for FY 2007-08 pursuant to A.R.S. § 15-907. This item was continued from the May 20, 2009 meeting. (C-37-09-015-M-00)

Sandra Wilkins was present to answer any questions on this item but there were no questions.

Superintendent Stapley introduced Dr. Don Covey, Superintendent of Schools, who was present for the meeting.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

AGENCY ITEMS AND STATUTORY MATTERS
COUNTY OFFICERS

Board of Supervisors - Internal Audit

11. COUNTY AUDITOR'S ANNUAL AUDIT PLAN FOR FY 2009-10

Approve the County Auditor's Annual Audit Plan for FY 2009-10

In accordance with the Board-approved Internal Audit Charter, the County Auditor hereby submits his recommendation for the FY 2009-10 Annual Audit Plan and requests approval from the Board of Supervisors. (C-23-09-002-M-00)

The Clerk announced that the backup to this plan has been updated to include all of the items that were presented to Members last Monday. Supervisor Stapley said he had been briefed by the County Auditor and is convinced the plan is a good and aggressive one.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Clerk of the Board

12. APPLICATION FOR ANTHEM FIREWORKS DISPLAY

Pursuant to A.R.S. § 36-1603, approve an application for a fireworks display filed by Randy Reyman of Any Pyro. The event will be located at the Anthem Community Park at 41130 N. Freedom Way, Anthem, AZ 85086 on July 3, 2009 at 9:00 p.m. (Supervisory District 3) (C-06-09-394-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

13. APPLICATION FOR TONOPAH VALLEY FIREWORKS DISPLAY

Pursuant to A.R.S. § 36-1603, approve an application for a fireworks display filed by John Teixeira of Fireworks Production of Arizona. The event will be located at the Ruth Fisher School at 38201 W. Indian School Road, Tonopah, Arizona 85354 on July 4, 2009, at 9:00 p.m. (Supervisory District 4) (C-06-09-419-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Clerk of the Court

14. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR SCANNER SYSTEMS OUTRIGHT

Approve an exception to the Technology Finance Program (TFP) to allow the Clerk of the Superior Court (160) to purchase three replacement scanner systems outright with one-time

FY 2008-09 savings in the Clerk of the Superior Court's Electronic Document Management Fund (274) operating budget (0000). The hardware and software will be used to provide the official electronic record by affording unalterable copies of the electronic records.

The existing scanner equipment has reached its end of life and will no longer be supported by the equipment manufacturer or the scanning software manufacturer. Replacement systems will allow for the upgrade of the OnBase document imaging software to a current version, which is not compatible with the Kofax software. (C-16-09-007-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

15. EXEMPTION TO THE POST EMPLOYMENT (RETIREMENT) HEALTH PLAN ENHANCEMENT PROGRAM-CLERK OF THE SUPERIOR COURT

Approve an exemption to the Post Employment (Retirement) Health Plan Enhancement Program (RHEP), approved by the Board on March 16, 2009 and allow Deputy Director position 00008291 to remain an active position in the Office of the Clerk of the Superior Court. The Clerk's Office requests an exemption to the RHEP requirement that positions vacated as a result of program participation be inactivated. Also, approve an exemption to the RHEP to allow management of the Clerk's Office to utilize the hiring range of \$45.00/Hour to \$52.00/Hour to recruit the Deputy Director position (00008291) and fill at a rate approved through the normal County process.

MRT: Deputy Director
Status: Appointed/Unclassified
Budgeted Rate: \$53.05

Due to the impending retirement of a Deputy Director, the department expects to achieve personnel savings for FY 2009-10. Assuming a Deputy Director is found to fill this position at \$52.00/Hour, this will result in an estimated \$2,567 in budget savings as required under the 2009 Retirement Health Enhancement Program. (C-16-09-008-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Constables

16. IGA AND ADDENDUM WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR DATABASE ACCESS

Approve Intergovernmental Agreement and Addendum between Arizona Department of Transportation and Maricopa County through the Maricopa County Constables, for the purpose of allowing the Constables to have continued access and connectivity to Arizona Department of Transportation/Motor Vehicle Department (MVD) records. This Intergovernmental Agreement and Addendum is non-financial and commences upon execution by both parties and shall continue in effect for a term of three years, unless previously canceled or terminated.

Approval of this Agreement and Addendum will extend the current agreement with MVD for three years. (C-25-09-009-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

County Attorney

17. GRANT FOR HIGH INTENSITY DRUG TRAFFICKING AREA PROSECUTION FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION

Approve the agreement and acceptance of funds from the Arizona Criminal Justice Commission, Grant No. HT19-09-1210, in the amount of \$83,519.00. These grant funds are for the support and enhancement of activities intended to deter, investigate and/or prosecute drug offenders for a High Intensity Drug Trafficking Area (HIDTA) prosecution program. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 0% rate for indirect costs, or \$0 that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 14%, or \$11,692.66. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$11,692.66. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law.

This grant agreement will commence January 1, 2009 and terminate on December 31, 2010. These federal funds are passed through the Arizona Criminal Justice Commission from the Office of National Drug Control Policy under CFDA #07.999. This award will be used to support one FTE Prosecutor (PCN 65140). Acceptance of this agreement and funds will allow the Maricopa County Attorney's Office to support and enhance activities intended to deter, investigate and/or prosecute drug offenders. (C-19-09-049-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Elections

18. KIDS VOTING ARIZONA CONTRACT

Approve the agreement for services for a two-year period with Kids Voting Arizona commencing on July 1, 2009 and ending on June 30, 2011 at a cost not-to-exceed \$30,000 per year.

On July 1, 1998, the Board of Supervisors authorized this sole source procurement with Kids Voting Inc, now Kids Voting Arizona for a three-year term (July 1, 1998-June 30, 2001), with an option to renew for additional two-year terms (C-21-98-003-7). Upon expiration, this agreement may be renewed for additional two-year periods in at compensation and services agreed to in writing between parties. This is the fifth two-year renewal. (C-21-98-003-7-05)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Sheriff

19. DONATION FROM KC JOHNSON FOUNDATION FOR LAKE PATROL DIVISION

Approve the acceptance of a donation in the amount of \$12,600.00 from the KC Johnson Foundation to the Sheriff's Office, Lake Patrol Division.

Also, approve exception to the Technology Finance Program (TFP) for the one-time purchase of dive computers for which this donation was designated.

The dive computers will be used by the Sheriff's Office, Lake Patrol Division to facilitate recovering drown victims. (C-50-09-077-D-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

20. REVISION TO THE ANNUAL CERTIFICATION REPORT FOR EQUITABLE SHARING AGREEMENT

Approve an amended Annual Certification Report which summarizes Equitable Sharing Activity for the Fiscal Year End June, 2008. This report was approved by the Board on August 20, 2008 (C-50-07-003-2-02) and is applicable to the Equitable Sharing Agreement and Certification approved September 3, 2008 in agenda C-50-09-015-3-00.

The federal government asked that a portion of the total amount reported as received be reported on a separate line. The overall dollar amounts have not changed. Approval of the Governing Body Head is required. (C-50-07-003-2-04)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Superintendent of Schools

21. INCREASED EXPENDITURE AUTHORIZATION FOR FUND 782 SCHOOL COMMUNICATION

In accordance with A.R.S. §42-17106(B), approve an increase in revenue and expenditure authority for the Superintendent of Schools Department (370) School Communication (782) Operating (0000) for FY 2008-09 in the amount of \$22,320. This is due to increased costs to provide centralized services for multiple school districts. These funds are non-local revenues for the purpose of the constitutional expenditure limitation and therefore, expenditure of these revenues are not prohibited by the budget law. These adjustments will result in a countrywide net impact of zero. (C-37-09-022-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

22. GRANT FOR THE 21ST CENTURY LEARNING CENTER AFTERSCHOOL PROGRAM

Approve the Application for and the acceptance of \$497,250.00 from the U.S. Department of Education (USDE) through the Arizona Department of Education (ADE) for the 21st Century Learning Center Afterschool Program for students in the Americanschools Academy Charter

School. The term of the grant contract will be five years, anticipated to begin July 1, 2009, through June 30, 2014. This grant is non-renewable.

MCSOS's indirect rate for FY 2008-09 is 19.50 percent. The restricted indirect cost rate allowed by this grant source is 0.00 percent. Recoverable indirect costs are \$0. The restricted indirect cost rate unallowable by this grant source is 21.50 percent. Unrecoverable indirect costs on this award are \$106,908.75. If any funds are later awarded, the Superintendent of Schools will return to the Board for approval and acceptance of these funds and any subsequent amendments.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. § 42-17105.

This sixty-month grant from the U.S. Department of Education (USDOE) through Arizona Department of Education (ADE) would provide afterschool and summer enrichment activities that will increase student achievement at the charter schools in Maricopa County. It is the objective of this grant program to provide students with tutoring services and enrichment activities that are challenging and engaging, with the goal of increasing math, reading, and science scores of students. (C-37-09-021-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

TRIAL COURTS

Adult Probation

23. MEMORANDUM OF UNDERSTANDING WITH THE US MARSHALS SERVICE FOR THE ADULT PROBATION DEPARTMENT

Accept the Memorandum of Understanding (MOU) between the United States Marshals Service and the Adult Probation Department in the amount of \$24,000 effective October 1, 2008 through September 30, 2009. Adult Probation's indirect cost rate for FY 2008-09 is 9.1%. Indirect costs are not recoverable under this MOU. Therefore, \$2,184.00 in indirect costs are not recoverable.

These funds are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditures of these revenues are not prohibited by the budget law. No budget adjustment is required.

The purpose of this MOU is to provide the Adult Probation Department with \$24,000 in funding to pay for overtime for probation officers who work with the Arizona WANTED Task Force. These funds are part of the federal High Intensity Drug Trafficking Area (HIDTA) funding. Adult Probation is already a recipient of HIDTA funds through the Arizona Criminal Justice Commission. (C-11-09-005-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Superior Court Judges and Commissioners

24. APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE

Pursuant to A.R.S. §12-141, approve the appointment of Superior Court Commissioner Eartha K. Washington as Superior Court Judge Pro Tempore for the period commencing June 3, 2009 through June 30, 2009.

In order to obtain greater flexibility in the use of Court Commissioners, the Superior Court customarily has all Court Commissioners appointed as Superior Court Judges Pro Tempore so they may, on occasion, hear contested matters. This serves the interest of judicial economy and promotes sound caseload management. Superior Court Commissioner Eartha K. Washington would serve as Pro Tempore without any additional compensation other than that to which she is entitled to as a Superior Court Commissioner. (C-80-09-016-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

25. SUPERIOR COURT POSITION REQUEST

Approve an exemption to the Post Employment Health Enhancement (Retirement) Program (PEHEP) requirement to delete positions being vacated as a result of employee participation in the plan. The Superior Court will need to rehire for the following positions: Business Systems Analyst Sr/Ld position (PCN -10081), Judicial Assistant (PCN-16229) and Operations/Program Manager (PCN-34183).

PCNs 10081, 16229 and 34183 in the Superior Court were vacated as a result of the previous incumbents' participation in the 2009 Retirement Health Enhancement Program (RHEP).

Due to the incumbents' retirement the department will achieve approximately \$24,794 in budgeted savings for FY 2009-10 which is required under the 2009 Retirement Health Enhancement Program (RHEP). (C-80-09-017-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

26. RESOLUTION REGARDING DESIGNATION OF A CHIEF FISCAL OFFICER FOR JUVENILE PROBATION FUND(S)

Approve a resolution of the Board of Supervisors regarding the designation of a Chief Fiscal Officer for the Juvenile Probation Fund(s) which:

- Complies with ARS § 12-268 which requires that the Board of Supervisors designate a Chief Fiscal Officer who shall establish and administer Juvenile Probation Fund(s);
- Establishes the Superior Court Administrative Services Director as the Chief Fiscal Officer for the Juvenile Probation Fund(s),
- Authorizes its Chief Fiscal Officer to sign grant applications for financial assistance and provide information to state and federal authorities on all matters pertaining to financial assistance. (C-80-09-018-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

COUNTY MANAGER

Office of Public Defense Services

27. EXEMPTION TO THE POST EMPLOYMENT (RETIREMENT) HEALTH PLAN ENHANCEMENT PROGRAM-PUBLIC DEFENDER

Approve an exemption to the Post Employment (Retirement) Health Plan Enhancement Program (RHEP), approved by the Board on March 16, 2009 and allow ATTORNEY-SENIOR position 00012860 to be replaced with an ATTORNEY-ASSOCIATE position in the Office of the Public Defender. The Office of the Public Defender requests an exemption to the RHEP requirement that positions vacated as a result of program participation be inactivated. The department requests instead that a replacement position be created at a lower market range.

Also, approve an exemption to the RHEP to allow the Office of the Public Defender to utilize the full hiring range to place the attorney selected to fill the replacement ATTORNEY-ASSOCIATE position at the appropriately mapped rate. The potential range for the position is \$27.38/Hour to \$38.08/Hour.

Position #00012860, in the Office of the Public Defender, was vacated as a result of the previous incumbents participation in the 2009 Retirement Health Enhancement Program. The position attributes are as follows:

MRT: Attorney - Senior
Status: Classified
Budgeted Rate: \$52.74

Legal representation is mandated for defendants charged in felony cases. Therefore, any cases that would have previously been handled by the retiring attorney in the Office of the Public Defender will have to be assigned somewhere in Indigent Representation, most likely with contractor attorneys at a higher cost. Allowing the Public Defender to recruit and fill this lower market range position will produce a cost savings. Due to the nature of this position, the management of Indigent Representation feels it fiscally prudent to replace the incumbent in position 00012860 with a new position with the following attributes:

MRT: Attorney – Associate
Status: Classified
Budgeted Rate: \$32.73 (mid-range)

Due to the impending retirement of an ATTORNEY-SENIOR the department will achieve additional budgeted savings for FY 2009-10. Hiring a lower level ATTORNEY-ASSOCIATE, assuming mid-range, to replace the retiring ATTORNEY-SENIOR will result in \$48,422 in savings. Since the Office of the Public Defender has already achieved \$1,520,319 in budgetary reductions in the General Fund for FY 2010, no further reductions are required at this time. (C-52-09-003-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

28. EXEMPTION TO THE POST EMPLOYMENT (RETIREMENT) HEALTH PLAN ENHANCEMENT PROGRAM-PUBLIC DEFENDER

Approve an exemption to the Post Employment (Retirement) Health Plan Enhancement Program (RHEP), approved by the Board on March 16, 2009 and allow ATTORNEY–SENIOR position 00061152 to be replaced with an ATTORNEY-SENIOR ASSOCIATE position in the Office of the Public Defender. The Office of the Public Defender requests an exemption to the RHEP requirement that positions vacated as a result of program participation be inactivated. The department requests instead that a replacement position be created at a lower market range.

Also, approve an exemption to the RHEP to allow the Office of the Public Defender to utilize the full hiring range to place the attorney selected to fill the replacement ATTORNEY-SENIOR ASSOCIATE position at the appropriately mapped rate. The potential range for the position is \$30.26/Hour to \$42.05/Hour.

Position #00061152, in the Office of the Public Defender, was vacated as a result of the previous incumbents participation in the 2009 Retirement Health Enhancement Program. The position attributes are as follows:

MRT: Attorney - Senior
Status: Classified
Budgeted Rate: \$52.74

Legal representation is mandated for defendants charged in felony cases. Therefore, any cases that would have previously been handled by the retiring attorney in the Office of the Public Defender will have to be assigned somewhere in Indigent Representation, most likely with contractor attorneys at a higher cost. Allowing the Public Defender to recruit and fill this lower market range position will produce a cost savings. Due to the nature of this position, the management of Indigent Representation feels it fiscally prudent to replace the incumbent in position #00061152 with a new position with the following attributes:

MRT: Attorney – Senior Associate
Status: Classified
Budgeted Rate: \$36.16 (mid-range)

Due to the impending retirement of an ATTORNEY-SENIOR the department will achieve additional budgeted savings for FY 2009-10. Hiring a lower level ATTORNEY-SENIOR ASSOCIATE, assuming mid-range, to replace the retiring ATTORNEY-SENIOR will result in \$40,035 in savings. Since the Office of the Public Defender has already achieved \$1,520,319 in budgetary reductions in the General Fund for FY 2010, no further reductions are required at this time. (C-52-09-004-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

29. EXEMPTION TO THE POST EMPLOYMENT (RETIREMENT) HEALTH PLAN ENHANCEMENT PROGRAM-PUBLIC DEFENDER

Approve an exemption to the Post Employment (Retirement) Health Plan Enhancement Program (RHEP), approved by the Board on March 16, 2009 and allow Legal Secretary position 00012834 to remain an active position in the Office of the Public Defender. The Office of the Public Defender requests an exemption to the RHEP requirement that positions

vacated as a result of program participation be inactivated.

Due to the impending retirement of a Legal Secretary the department will achieve additional budgeted savings for FY 2009-10. Hiring a less experienced Legal Secretary to replace the retiring Legal Secretary will result in approximately \$9,144 in savings. Since the Office of the Public Defender has already achieved \$1,520,319 in budgetary reductions in the General Fund for FY 2010, no further reductions are required at this time. (C-52-09-005-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Office of the County Manager

30. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM FT. MCDOWELL YAVAPAI NATION FOR SCHOOLS INC. VETERANS ASSISTANCE SUBSIDY

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Ft. McDowell Yavapai Nation for Schools, Inc. Veterans Assistance Subsidy (VAS) program in an amount not-to-exceed \$50,000. The grant period is July 1, 2009-June 30, 2011. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Ft. McDowell Yavapai Nation and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$25,000 and the FY 2010-11 revenue and expenditure budgets not-to-exceed \$25,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-051-G-00)

Supervisor Brock thanked the Tribal Councils for continuing to allow these Proposition 202 funds to be applied, as given in items 30 through 41.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

31. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR THE HUMAN SERVICES CAMPUS

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Human Services Campus in an amount not-to-exceed \$50,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and

distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$50,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-052-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

32. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE TOHONO O'ODHAM NATION FOR PARKS AND RECREATION

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Tohono O'Odham Nation for Maricopa County Parks and Recreation's Interpretive Display project in an amount not-to-exceed \$120,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Tohono O'Odham Nation and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, also approve an appropriation adjustment to the Parks and Recreation Department (300), Parks and Recreation Department Grant Fund (230), Non-Operating/Non-Project (0001) increasing the FY 2009-10 revenue and expenditure budgets by not-to-exceed \$120,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-062-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

33. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE TOHONO O'ODHAM NATION FOR THE HUMAN SERVICES CAMPUS

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Tohono O'Odham Nation for the Human Services Campus in an amount not-to-exceed \$50,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Tohono O'Odham Nation and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$50,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-061-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

34. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR ADULT PROBATION'S DOMESTIC VIOLENCE ELECTRONIC MONITORING PROGRAM

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for Adult Probation's Domestic Violence Electronic Monitoring Program in an amount not-to-exceed \$319,385. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to the Adult Probation Department (110), Adult Probation Grant Fund (211), Operating budget (0001) increasing the FY revenue and expenditure budget by not-to-exceed \$319,385.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-053-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

35. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR THE PASSAGES PROGRAM

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for Maricopa County's PASSAGES program in an amount not-to-exceed \$100,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$100,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-054-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

36. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR THE SUN CITY COMMUNITY ACTION NETWORK

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for Sun City Community Action Network's Services for Seniors' Health and Welfare program in an amount not-to-exceed \$67,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are approved, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$67,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-056-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

37. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR THE SUN CITY WEST COMMUNITY FUND

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for Sun City West Community Fund's Sun Health Research Institute program in an amount not-to-exceed \$50,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$50,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-057-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

38. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR THE LEUKEMIA AND LYMPHOMA SOCIETY

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Leukemia and Lymphoma Society's Community Outreach and Capacity Building program in an amount not-to-exceed \$25,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$25,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-058-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

39. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR THE NATIVE AMERICAN COMMUNITY SERVICE CENTER

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Native American Community Service Center's Connecting for a Healthy Community program in an amount not-to-exceed \$300,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$300,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-059-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

40. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE TOHONO O'ODHAM NATION FOR PASSAGES

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Tohono O'Odham Nation for Maricopa County's PASSAGES program in an amount not-to-exceed \$100,000. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Tohono O'Odham Nation and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), if funds are awarded, approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$100,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-060-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

41. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY FOR THE LIBRARY DISTRICT

Pursuant to A.R.S. 5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Library District's Brain Time with Brain Boxes in the Library program in an amount not-to-exceed \$59,800. The grant period is July 1, 2009-June 30, 2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

~~Pursuant to A.R.S. §42-17106(b), if funds are awarded, also approve an appropriation adjustment to the Library District (650), Library District Grant Fund (242), Non-Operating/Non-Project (0001) increasing the FY 2009-10 revenue and expenditure budgets by not to exceed \$50,800.~~

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-09-055-G-00)

The Clerk noted a correction to item 41 in the deletion of the paragraph regarding an appropriation adjustment if funds are awarded. She stated that the application for funds stands but the allocation of the monies would come through upon the Library District receiving the award.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

DEPUTY COUNTY MANAGER

Management and Budget

42. TRANSFER OF EXPENDITURE AUTHORITY FOR THE POST RETIREMENT HEALTH PLAN ENHANCEMENT PROGRAM

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$52,153 from FY 2008-09 Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) to a new line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-recurring (0001) entitled "Post Retirement Health Plan Enhancement Program." This action authorizes the transfer of contingency funds to provide assistance for Department's unable to absorb the additional costs of this program and provides funding as outlined in the program.

Also, pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$35,200 from FY 2008-09 Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) line item "potential use of Fund balance" to Emergency Management (150) Emergency Management Fund (215) Non-recurring (0001). This action authorizes the transfer of expenditure authority for the Emergency Management Department to use fund Balance to fund the additional cost of this program. Also, this action requires a decrease in the FY 2008-09 revenue budget for Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001). These transfers of expenditure authority do not alter the County's duly adopted budget pursuant to A.R.S. §14-17105.

These actions provide funding to pay for the Post Retirement Health Plan Enhancement Program costs for those 15 persons who retired on or prior to April 30, 2008. Another agenda will be coming forward to the BOS on June 20, 2009, for those who are included in the Post Retirement Health Plan Enhancement Program with a retirement date in May 2009. (C-49-09-066-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Public Health

43. IGA WITH THE CITY OF GLENDALE FOR CHILDHOOD IMMUNIZATIONS

Approve the Intergovernmental Agreement (IGA) between The City of Glendale by and through the Glendale Fire Department (Glendale Fire) and Maricopa County by and through the Department of Public Health's Community Health Nursing Program (CHN). This IGA will provide Glendale Fire Department with funding to administer mandatory immunizations to school aged children. The amount of this agreement is not-to-exceed \$75,000. The term of this agreement is valid upon Board Approval through May 30, 2010.

Funding for this IGA is provided by a grant from Arizona Department Health Services, and will not affect the County general fund. (C-86-09-072-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

44. AGREEMENT WITH NORTHERN ARIZONA HEALTHCARE FOR CLINICAL NUTRITION TRAINING EXPERIENCE

Approve the Affiliation Agreement with Northern Arizona Healthcare, an Arizona Nonprofit Corporation on behalf of Flagstaff Medical Center, Verde Valley Medical Center and Northern Arizona Homecare Center to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is to be from May 1, 2009 through April 30, 2011. (C-86-09-074-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

45. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR WIC SERVICES

Approve Amendment No. 4, to Intergovernmental Agreement (IGA) (HG861080) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide additional grant funding for Women, Infants and Children (WIC) Nutritional services. The budget period is effective from June 1, 2009 through September 30, 2009, for the budget increase of not-to-exceed \$79,013. In addition, this amendment will also include administrative changes to the Special Terms and Conditions. All other provisions of this agreement remain unchanged.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and are estimated at \$12,053.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funds for this IGA are provided by ADHS and do not affect the County's general fund. (C-86-08-025-2-04)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

46. GRANT FOR THE FIRST THINGS FIRST - PREVENTION AND EDUCATION PROGRAM FOR THE NORTHWEST MARICOPA REGIONAL GRANT

Approve the grant application to Arizona Early Childhood Development and Health Board, First Things First (FTF-RC008-10-0045-00) by the Department of Public Health for the First Things First's Prevention and Education Programs grant for the Northwest Maricopa Regional Partnership Councils. If awarded, the amount will not exceed \$760,000 for the budget term beginning September 1, 2009 through June 30, 2010. Funding amount is tentative pending the approved grant award upon acceptance by the First Things First designee. This contract can be renewed by First Things First on a year to year basis for a total two year and 10 month term.

Also, authorize the Chairman to sign all documents related to these grant funds, as applicable.

This grant deviates from County policy A2505 and does not allow for full indirect cost reimbursement, but a maximum of 10% indirect cost reimbursement. The Department of Public Health's indirect rate for FY 09-10 is 18%; therefore \$69,091 is allowable and \$55273 is unallowable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funding for this grant will be provided by First Things First and will not affect the County general fund. (C-86-09-075-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Workforce Management and Development

47. ACCEPT CARRYOVER FUNDS FROM HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR RYAN WHITE PART A HIV/AIDS PROGRAM

Accept \$68,070 in carryover funding from Health Resources And Services Administration (HRSA) through grant # H3MHA08443, from grant year 2007 for services to be provided to Ryan White Part A HIV/AIDS Minority AIDS Initiative (MAI) program clients for outreach services. This additional grant funding will be expended by July 31, 2009. The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Funding for this agreement is provided by Health Resources and Services Administration and will not impact the County general fund. The additional funding of \$68,070 is for direct services only and will be passed through to sub recipients and therefore not subject to indirect charges. (C-31-09-013-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

48. AGREEMENT WITH CANINE TREASURES ALL BREED RESCUE FOR NEW HOPE PROGRAM

Approve an Agreement between Suzanne Field, d.b.a. Canine Treasures All Breed Rescue, 8843 E. Dartmouth Street, Mesa, AZ 85207, and Maricopa County to allow Canine Treasures All Breed Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 20 new hope rescues over the term of the agreement, for a total of \$800. The term of this Agreement is from June 3, 2009 through June 30, 2010. (C-79-09-097-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

49. AGREEMENT WITH CATNIP AND TUCK FOR NEW HOPE PROGRAM

Approve an Agreement between Catnip and Tuck, a 501 (C) 3 corporation, 3718 N. Pueblo Way, Scottsdale, AZ 85051, and Maricopa County to allow Catnip and Tuck under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 20 new hope rescues over the term of the agreement, for a total of \$800. The term of this Agreement is from June 3, 2009 through June 30, 2010. (C-79-09-098-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

50. AGREEMENT WITH FEATHERS FOUNDATION, INC. FOR NEW HOPE PROGRAM

Approve an Agreement between Feathers Foundation, Inc., a 501 (C) 3 corporation, d.b.a. Circle L Ranch, 7527 E. First Street, #8, Scottsdale, AZ 85251, and Maricopa County to allow Feathers Foundation, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 40 new hope rescues over the term of the agreement, for a total of \$1,600. The term of this Agreement is from June 3, 2009 through June 30, 2010. (C-79-09-099-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Community Development

51. PROGRAMMATIC AGREEMENT WITH CITY OF GLENDALE FOR HUD-FUNDED PROGRAM ACTIVITIES

Approve as a concurring party the programmatic agreement between the City of Glendale and the State Historic Preservation Office (SHPO) governing the environmental clearance of U. S. Department of Housing and Urban Development (HUD) grant-funded program activities involving properties of potential historical significance. Concurrence by the Board of Supervisors is required by SHPO because the City of Glendale receives HUD HOME Investment Partnership Program (HOME) grant funds through the Maricopa HOME Consortium. Maricopa County is the lead agency of the Maricopa HOME Consortium and, as such, serves as the certifying agency on all environmental clearances under the HOME program. Signing the document as a concurring party does not subject the Board of Supervisors to any additional responsibility or liability under the HUD regulations.

HUD regulations require an environmental clearance on any activities undertaken with HOME funds. For all properties that are 50 years old or older, or that are listed on a historical register, SHPO must be consulted in order to determine whether the property is of historical significance and whether the property will be adversely affected by the investment of the HOME funds. SHPO allows any local government that has its own Historic Preservation Office or Commission to enter into a programmatic agreement that will allow the local Historic Preservation Office or Commission to determine the historical significance of local properties without a specific concurrence from SHPO. (C-17-09-052-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Human Services

52. RESOLUTION REGARDING MARICOPA COUNTY COMMUNITY ACTION AGENCY

Adopt a resolution regarding Maricopa County, as a federally designated Community Action Agency, to cease provision of community action program services within the city limits of Glendale as part of the Maricopa Community Action Agency effective July 1, 2010. This is a non financial action and will not impact the County general fund budget.

The City of Glendale, in a resolution from its Council of the city of Glendale and a letter from its Glendale city manager, dated April 3, 2009, has requested that Maricopa County cease the provision of Community Action Agency services within the confines of the city limits of Glendale, effective July 1, 2010. (C-22-09-144-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

53. TERMINATION OF AGREEMENT WITH MAXIMUS INC. FOR SPECIAL TRANSPORTATION SERVICES WORKLINKS

Approve the termination of the Agreement between MAXIMUS Inc. and Maricopa County administered by its Human Services Department (MCHSD). Pursuant to the General Terms and Conditions outlined in Provision 6.c.ii., Termination by MAXIMUS; Immediate Termination: Notwithstanding anything to the contrary herein, MAXIMUS may terminate this

Agreement immediately and without prior notice if (ii) the Client (state of Arizona) directs MAXIMUS to terminate the Subcontractor's services under this agreement.

According to the Agreement's termination provision, wherein proper written notification was given, the Maricopa County Board of Supervisors accepts April 22, 2009 as the termination date for the Agreement with MAXIMUS. MCHSD is in receipt of the notice by MAXIMUS Inc. to withdraw from this Agreement. (C-22-09-138-3-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

CHIEF FINANCIAL OFFICER

Finance

54. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

55. TERMINATION OF LEASE AGREEMENT WITH FRIENDS OF ANIMAL CARE & CONTROL

Approve the early termination of Lease Agreement No. MC10179 with FRIENDS OF ANIMAL CARE & CONTROL, an Arizona non-profit organization, as Lessee, for 115 square feet of office space at the County's Animal Care and Control Facility located at 2500 S. 27th Avenue, Phoenix, AZ and authorize Real Estate Services staff to give notice of the early termination to Lessee.

The subject lease grants the County the right of early termination in paragraph 11 by giving the Lessee a 90-day written notice of lease termination. The anticipated lease termination date will be on, or about, August 31, 2009. (C-18-08-044-4-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

56. ACQUIRE LAND RIGHTS ON PRIVATE PROPERTIES ADJACENT TO THE CLOSED CAVE CREEK LANDFILL

Approve and authorize the Chairman of the Board to execute all necessary documents approved by County Counsel to acquire the land rights for the installation of temporary and permanent ground water monitoring wells on properties owned by the Arizona State Land Department, Federal Government, and on private properties adjacent to the closed Cave

Creek landfill, to comply with the Consent Order between Arizona Department of Environmental Quality, approved by the Board on June 8, 2005, (C-67-05-003-1-00), and authorize the payment for the needed land rights and sites. (C-18-09-058-8-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Materials Management

57. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. 06039-S, CARD ACCESS SYSTEM DEVICES; REPAIR, MAINTENANCE, UPGRADES, AND INSTALLATION

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: June 03, 2009

Serial: 06039-S

Item: Card Access System Devices; Repair, Maintenance, Upgrades, And Installation (\$1,200,000 estimate/three years until August 31, 2012) Three year renewal of price agreement for card access system maintenance and repair for systems county wide.

Benson Security Systems Inc. (C-73-09-081-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

b. 09031-C, HEAT AND SERVE EQUIPMENT (FOOD TRAYS AND CARTS)

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09031-C

Item: Heat and Serve Equipment (Food Trays and Carts) (\$674,500 estimate/three years until June 31, 2012, with three one-year renewal options) Price Agreement for the purchase of heat and serve equipment (food trays and carts)for MCSO Food Services.

Cortech (C-73-09-080-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

c. 09006-S, HVAC DUCT AND ASSOCIATED EQUIPMENT CLEANING SERVICES

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09006-S

Item: HVAC Duct And Associated Equipment Cleaning Services (\$600,000.00 estimate/three years until June 30, 2012, with three one-year renewal options) Price Agreements for HVAC duct and associated equipment cleaning services for systems county-wide.

Ductz Indoor Air Professionals
Empire Maintenance Co., Inc.
Fresh Air Systems
K.M. Facility Services, LLC
Southland Filtration (C-73-09-086-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

d. 06052-S, REPAIR AND MAINTENANCE OF U.P.S. SYSTEMS

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 06052-S

Item: Repair and Maintenance of U.P.S. Systems (\$125,000.00)
Increase Price Agreement value from \$400,000 to \$525,000. This \$125,000 increase is requested to cover the current/future requirement of the multiple using departments. This agreement was initially awarded by the Materials Management Director on September 28, 2006, in the amount of \$200,000. Prior increases were approved by Materials Management (December 13, 2007) in the amount of \$20,000 and by the Board (January 16, 2008) in the amount of \$180,000. Agreement expiration date is September 30, 2009.

Gruber Technical Inc. (C-73-09-082-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

58. EXPENDITURE BUDGET ADJUSTMENT

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority, from Non-Departmental (470) Non-Grant Fund (249) Non-Recurring Non-Project (0001) Reserved Contingency item "Potential Expenditures from Fund Balance" to Materials Management (730) Reprographics Fund (673) Non Recurring Non Project (0001).

This action will require an expenditure appropriation adjustment decreasing the FY 2008-09 Non Departmental (470) Non Departmental Grant Fund (249) Non Recurring Non Project (0001) expenditure budget by \$53,380 and increasing the FY 2008-09 Materials Management (730) Reprographics Fund (673) Non Recurring Non Project (0001) expenditure budget by \$53,380.

Reprographics FY2009 adopted budget is not structurally balanced, and does not assume full cost recovery. A price increase to fully recover costs will be implemented in FY2010.

Approval of this action will allow the utilization of the Materials Management Reprographics Fund Balance for expenses incurred in FY 2008-09, including implementation of market study increases, which had been postponed in FY2008.

Reprographics total fund balance as of the close of FY2008 is \$973,938, of which \$471,306 is unreserved. (C-73-09-089-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Parks and Recreation

59. AMENDMENT TO USE MANAGEMENT AGREEMENT WITH KCCM ENTERPRISES, LLC

Approve Amendment No. 2 to the Use Management Agreement between Maricopa County and KCCM Enterprises, LLC, in order to change the name of the Agreement from "Management Agreement (Adobe Mountain Sports Complex) " to "Use Management Agreement – Victory Lane Sports Complex" and execute administrative changes to the Agreement pertaining to the primary source of water to be used in support of recreation and irrigation. The primary source of recreation and irrigation water is changed from water supplied by the Central Arizona Project (CAP) to well/ground water to be supplied by a well located within Adobe Dam Regional Park. There is no financial impact. All conditions of the original Use Management Agreement remain the same including the expiration date of July 1, 2019. (C-30-06-032-01-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

60. AMENDMENT TO USE MANAGEMENT AGREEMENT WITH HARVEST FAMILY ENTERTAINMENT - ARIZONA, LLC

Approve Amendment One to the Use Management Agreement between Maricopa County and Harvest Family Entertainment – Arizona, LLC entered into June 18, 2008 in order to execute administrative changes to the Agreement pertaining to the primary source of water to be used in support of recreation and irrigation. The primary source of recreation and irrigation water is changed from water supplied by the Central Arizona Project (CAP) to well/ground water to be supplied by a well located within Adobe Dam Regional Park. There is no financial impact. (C-30-08-034-1-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

61. IGA BETWEEN THE MARICOPA COUNTY LIBRARY DISTRICT AND MARICOPA COUNTY

Approve the Intergovernmental Agreement between Maricopa County ("County") and the Maricopa County Library District ("District") that will allow the Parks Department to provide land in the White Tank Mountains Regional Park preserve where the District will build a library and Park Nature Center. The term of this Agreement shall commence on the effective date and shall expire 25 years thereafter with one 25 year renewal option. There is no financial impact.

The County will provide the District with the land. The District will pay the expense of construction of the building, including the 3,300 sq. ft. space for the Park Nature Center. The Board approved the construction of the White Tank Branch Library on September 15, 2008 (C-65-09-005-5-00). A corresponding agenda item can be found under C-65-09-020-M-00. (C-30-09-033-3-00)

Supervisor Kunasek recused himself from this item because of a conflict of interest.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Stapley, Brock, Wilson
Absent: Wilcox
No Vote: Kunasek

Risk Management

62. COTTON V MARICOPA COUNTY CV2009-001119

Approve the proposed Settlement Agreement in the amount of \$500,000.00 between Maricopa County and Plaintiffs, Kay Cotton, mother, and children/beneficiaries of Robert Cotton, Maricopa County Superior Court Case No. CV2009-001119. Authorize the County Risk Manager to sign the settlement agreement and all necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed with the Board in Executive Session on May 18th, 2009. (C-75-09-012-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Environmental Services

63. DIRECTOR OF ENVIRONMENTAL SERVICES DEPARTMENT POSITION REQUEST

Approve the creation of an Unclassified position (Director - Environmental Services) in the Environment Services Department. This position request is necessary due to the fact that the current Director is participating in the new Post Employment Health Enhancement (Retirement) Program (PEHPEP) which requires that the current position (#4765) be eliminated. Creation of this position is necessary because the department cannot operate without a Director position.

Position #4765, in the Environmental Services Department, was inactivated due to the previous incumbent's participation in the 2009 Retirement Health Enhancement Program.

This position's current attributes are as follows:

MRT: Director - Environmental Services
Status: Unclassified
Budgeted Rate: \$63.34

Due to the nature of this position, the Environmental Services Department feels it necessary to replace position #4765 with a new position. The new position's attributes will be as follows:

MRT: Director - Environmental Services
Status: Unclassified
Budgeted Rate: \$57.00

Environmental Services will achieve savings through hiring a new director at a lower rate of pay than the retiring employee. This will result in \$14,433 saved as required under the 2009 Retirement Health Enhancement Program. (C-88-09-009-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Public Works

64. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-439-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

65. CONTRACT WITH WILSON & COMPANY INC FOR ON CALL PLANNING SERVICES

Approve the award of On Call Contract No. 2009-007 with Wilson & Company, Inc., for pending and new project requiring Transportation Planning Services.

The contract is effective for a period of two years with an option to renew for an additional one year period following Board of Supervisors approval or until the expenditure of \$500,000.00, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2009-10 and FY 2010-11 budgets.

The services provided under the on-call transportation planning contract typically include transportation planning, travel forecast modeling, and policy development.

The work performed under this contract was procured in accordance with Article 5, MC-1-504 of the Maricopa County Procurement Code. The services performed under this contract may encompass all Supervisory Districts. (C-91-09-168-5-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

66. CONTRACT WITH KIMLEY-HORN AND ASSOCIATES INC FOR ON CALL PLANNING SERVICES

Approve the award of On Call Contract No. 2009-008 with Kimley-Horn and Associates, Inc., for pending and new project requiring Transportation Planning Services.

The contract is effective for a period of two years with an option to renew for an additional one year period following Board of Supervisors approval or until the expenditure of \$500,000.00, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2009-10 and FY 2010-11 budgets.

The services provided under the on-call transportation planning contract typically include transportation planning, travel forecast modeling, and policy development.

The work performed under this contract was procured in accordance with Article 5, MC-1-504 of the Maricopa County Procurement Code. The services performed under this contract may encompass all Supervisory Districts. (C-91-09-169-5-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

67. CONTRACT WITH AECOM FOR ON CALL PLANNING SERVICES

Approve the award of On-Call Contract No. 2009-006 with AECOM for pending and new projects requiring Transportation Planning services.

The contract is effective for a period of two years with an option to renew for an additional one year period following Board of Supervisors approval or until the expenditure of \$500,000.00, whichever occurs first. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2009-10 and FY 2010-11 budgets.

The services provided under the On Call Transportation Planning Contract typically include transportation planning, travel forecast modeling and policy development.

The work performed under this contract was procured in accordance with Article 5, MC-1-504 of the Maricopa County Procurement Code. The services performed under this contract may encompass all Supervisory Districts. (C-91-09-170-5-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

68. EXCEPTION TO TECHNOLOGY FINANCING PROGRAM FOR PURCHASE OF REVERSE PROXY SERVER

Approve an exception to the Technology Financing Program (TFP) to allow the Department of Transportation to purchase a Reverse Proxy Server for the Advanced Traveler Information System (ATIS) Enhancement Project using federal grant funding. The total estimated purchase price of the Reverse Proxy Server is \$16,057.56, to be paid with \$15,142.28 in reimbursable federal grant funding and \$915.28 in local (HURF) match

funding.

On June 18, 2008, the Board approved Agenda Item No. C-64-08-209-M-00 that authorized the acceptance of Federal Grant monies to enhance the 5-1-1 Advanced Traveler Information System. The enhancements will provide significantly improved, real-time traveler information regarding location of traffic incidents, congestion bottlenecks, travel time delays, special events impacting traffic, detours, and roadway construction locations.

Enhancements will be accomplished by automating data entry into the information system, expanding the data base by adding arterial roadways, and by modernizing the telephone information and Internet information presentation aspects of the system.

This Reverse Proxy Server is one of four integral, vital components in the system hardware/software required for the Enhancement. All components have been previously approved for purchase, and all items, except for the Reverse Proxy Server, have been purchased and are ready for installation, integration, and testing. All items are funded by the Federal Grant with Maricopa County providing a 5.7 percent match. Thus for the Reverse Proxy Server, the total estimated purchase price is \$16,057.56, to be paid with \$15,142.28 in reimbursable federal grant funding and \$915.28 in local (HURF) match funding. The Grant expires on June 30, 2010; therefore, funding will not be available for the time period of the Technology Financing Program. All Supervisory Districts. (C-91-09-173-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

69. IGA WITH CITY OF PHOENIX FOR AZTECH ADVANCED TRAVELER INFORMATION SYSTEM

Approve and authorize Maricopa County's Department of Transportation to enter into an Intergovernmental Agreement (IGA) with the City of Phoenix to maintain, operate and implement advancements to the AZTech Advanced Traveler Information System (ATIS) at Sky Harbor International Airport Rental Car Center (RCC). The IGA outlines the mutual understanding of both parties role in maintaining and operating the AZTech Advanced Traveler Information System (ATIS). By maintaining this system, the RCC will be equipped with ATIS displays which will help the traveling public make informed decisions about the route it chooses while the public still has the option to change such plans. Action on this item is subject to County Attorney's Office, Civil Division's review and approval of the final IGA and subsequent execution of the IGA.

Expenditures for FY 2009-10 are contingent upon the Board adopting the recommended FY 2009-10 budget.

The ATIS informs travelers of real-time pre-trip information on current roadway conditions. The County and the City have agreed upon a customized design concept to provide appropriate pre-trip road traveler information to airport passengers using the Rental Car Center (RCC). This customized RCC ATIS design concept consists of four LCD display monitors located throughout the customer service level of the RCC and displays real-time travel conditions which may include colored highway maps noting incident and road closures, estimated travel times, average speeds on freeway segments, and news about special events impacting traffic. The County will maintain County installed equipment, upgrades of the hardware or communications infrastructure, and operation of software to generate the RCC ATIS display monitors. The County will also be responsible for upgrading or changing the software and information displayed on the RCC ATIS display monitors in coordination with the City. Ensure that there are no advertisements displayed on the

monitors without prior written approval by the City. The City will pay for recurring electrical costs necessary for the operation of the RCC ATIS including the display monitors, network electronics, and other miscellaneous hardware; plus provide periodic cleaning of display monitors and associated mounting devices as needed. Supervisory District No. 3 (C-91-09-172-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

70. ROAD ABANDONMENT (ROAD FILE NO. AB-228)

Pursuant to A.R.S. §28-7214 and §28-7215, adopt Resolution AB-228 to abandon a portion of Flanders Road in the vicinity of 96th Street and Brown Road, by extinguishing a portion of the easement which was conveyed to Maricopa County by means of dedication on February 17, 1956 and recorded by the Maricopa County Recorder as Docket 1831, Page 375 and also vacating that portion of Flanders Road conveyed to Maricopa County by means of a Warranty Deed on September 28, 1999 and recorded by the Maricopa County Recorder as Record Number 1999-0901638. Supervisory District No. 2. (C-91-09-177-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

71. BID AND AWARD FOR BUSH HIGHWAY

Approve the solicitation of bids for the Maricopa County Department of Transportation's Bush Highway - Usery Pass Road to Stewart Mtn. Dam Road, Dust Mitigation Project (DMIT), Job Number TT126. Also, approve the award of a contract to the lowest responsive bidder, provided that the lowest responsive bidder does not exceed the Engineer's estimate by more 10 percent. The FY 2009-10 expenditures are contingent upon the Board approving the recommended FY 2009-10 budget.

The purpose of this project is to pave existing dirt shoulders. This paving will enhance roadway safety and provide bike lanes on each side of Bush Highway as a continuation of the existing bike lanes west of Usery Pass Road.

This project will be procured in accordance with the mandate set forth in the Maricopa County Procurement Code, Article 5, and Section 504. This project is located in Supervisor District 2. (C-91-09-178-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

72. BID AND AWARD FOR INTERSECTION IMPROVEMENTS MC85 (PHASE I)

Approve the solicitation of bids for the intersection improvements of MC85 at Sarival Road as the first phase of the County Arterials (ARTS) project, Job No. TT083, MC85: Cotton Lane to Estrella Pkwy; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the project engineer's cost estimate by 10%. The FY 2010 expenditures are contingent upon the Board's final approval of the proposed FY 2010 budget.

This project has been fully designed and cleared with right-of-way, utilities, environmental, public relations, and subject to the terms of the recorded intergovernmental agreement amendment #1 C-64-07-106-2-01 with City of Goodyear. This project is scheduled to bid for construction in July 2009. Supervisory District No. 4 (C-91-09-180-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

BOARD OF SUPERVISORS

Clerk of the Board

73. MAIL BALLOT ELECTION FOR RANCHO GRANDE LANDERWOOD IRRIGATION WATER DELIVERY DISTRICT

Pursuant to A.R.S. § 16-225 and 16-558, approve a mail ballot election for the Rancho Grande Landerwood Irrigation Water Delivery District No. 24 to be conducted by the District on November 18, 2009. (Supervisory District 3) (C-06-09-407-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

74.APPOINTMENTS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Approve the following appointments and reappointments to the Community Development Advisory Committee:

APPOINTMENTS

Supervisory District/City/Town	Primary Representative	Alternate Representative
District 1	Andy Bhakta	
District 5	Margarita Garcia	
City of El Mirage		Council Member Roy Delgado
City of Tolleson		Council Member Linda Laborin
Town of Buckeye		Vice Mayor Elaine May
Town of Guadalupe	Vice Mayor Yolanda Solarez	
Town of Queen Creek	Council Member Craig Barnes	Council Member Joyce Hildebrandt

REAPPOINTMENTS

Supervisory District/City/Town	Primary Representative	Alternate Representative
District 2	James Warner	
District 3	Horst Kraus	
District 3	Richard Painchaud	
District 4	Doris Heisler	
District 4	Edward Kientz	

City of El Mirage	Council Member Adam Super	
City of Goodyear	Council Member Frank Cavalier	Council Member Joanne Osborne
City of Tolleson	Council Member Jose "Diego" Espinoza	
Town of Buckeye	Council Member Robert Doster	
Town of Gila Bend	Council Member Armida Gonzalez	Council Member James Bud Turner
Town of Guadalupe		Council Member Rebecca Jimenez
Town of Wickenburg	Council Member Scott Stewart	Council Member Kristi Henson
Town of Youngtown	Council Member Shirley Oglesby	Mayor Michael LeVault

All appointments are effective July 1, 2009 through June 30, 2010. (C-06-09-423-9-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

75. APPOINTMENT TO THE HOUSING AUTHORITY OF MARICOPA COUNTY

Approve the appointment of Courtney LeVinus to the Housing Authority of Maricopa County representing Supervisorial District 3. The term of the appointment will be effective as of July 1, 2009 through June 30, 2013. (C-06-09-426-9-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

76. APPOINTMENTS TO THE SELF-INSURED TRUST FUND

Approve the reappointment of Joe Lugo to the Self-Insured Trust Fund, Board of Trustees representing District 5. The term of the appointment will be effective as of the date of Board approval through March 31, 2012.

In addition, approve the appointment of Les Clark to the Self-Insured Trust Fund, Board of Trustees representing District 1. The term of the appointment will be effective as of the date of Board approval through May 31, 2012. (C-06-09-427-9-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

77. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the June 17, 2009 meeting. List is on file in the Clerk of the Board's office. (C-44-09-141-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

CONSENT AGENDA

Clerk of the Board

78. APPOINTMENTS

Approve the Official Appointment of John Morast as Limited Special Deputy Clerk in matters related to Improvement Districts, in the Office of the Clerk of the Board of Supervisors. (C-06-09-440-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

79. ASRS CLAIMS

Pursuant to A.R.S. §38-711 et., authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. Claims presented are on file in the Clerk of the Board's Office. (C-06-09-432-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

80. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-433-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

81. MARKET RANGES

Pursuant to A.R.S §§11-251.38 and 251.51, approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-434-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

82. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-435-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

83. STALE DATED WARRANTS

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-09-436-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

84. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-437-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

85. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated June 3, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-438-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

BOARD OF SUPERVISORS ADDENDUM

Clerk of the Board

A-1. NEW LICENSE FOR QUICK ONE FOOD STOP

Pursuant to A.R.S. § 4-201, approve an application filed by Baldev Singh for a New Series 10 Liquor License for Quick One Food Stop at 9949 E. Apache Trail, Mesa, AZ 85208. (AZ #10075765) (Supervisory District 2) **Environmental Services recommends denial.** (C-06-09-393-L-00)

The Clerk said that Environmental Services recommended denial on item A-1. The recommendation came from the inability to examine completed plans for the structure rather than from any adverse problem.

Ms. Mangiapane, County Attorney, said that as of May 28, the structure was still unpermitted.

Supervisor Kunasek asked that the reasons for recommending denial be made clear to the Arizona Department of Liquor Licenses and Control.

Motion to concur with staff recommendation for denial due to the submission of incomplete plans and because no permits have been issued, by: Supervisor Stapley,
Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilson

Absent: Wilcox

Crime Prevention - Meth Program

A-2. TRANSFER ARIZONA METH PROJECT FUNDING

1. Authorize the transfer of \$35,741 (minus any administration fees) held at Arizona Community Foundation, in the name of the Arizona Meth Project, to the newly created 501(c)(3) non-profit agency called Arizona Meth Project (Employer Identification Number 26-3584528).

2. Authorize the termination of the agreement with Arizona Community Foundation, approved under C-42-08-016-0-00. This will close the Arizona Meth Project account at Arizona Community Foundation.

3. Authorize the future transfer of anticipated funding to be received by Maricopa County for purposes of the Arizona Meth Project to the newly created 501(c)(3) non-profit agency called Arizona Meth Project. These funds are anticipated to be a federal appropriation (approximately \$1 million) and a grant commitment from Gila River Indian Community (approximately \$100,000).

The AZ METH PROJECT has been managed by Maricopa County on behalf of the entire State of Arizona. At this time, both Maricopa County and the Meth Project Foundation agree that it is most appropriate for oversight of the Arizona Meth Project to transition to a 501(c)(3) non-profit agency, as is the situation in other states where the Meth Project has a presence. The funding to be transferred is money donated from private individuals, businesses, and Native American communities to help sustain the Arizona Meth Project. No Maricopa County funds are being transferred. (C-42-09-010-M-00)

Supervisor Brock thanked Amy Rex for her leadership and Jeff Esser for his ongoing participation in this item. He also thanked Supervisor Stapley for bringing this project before the Board. He acknowledged that some of the ads were somewhat shocking but that was the strategy used to reach teens with this important message.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilson

Absent: Wilcox

Community Development

A-3. AMERICAN RECOVERY AND REINVESTMENT ACT COMMUNITY DEVELOPMENT BLOCK GRANT - RECOVERY; SUBSTANTIAL AMENDMENT TO FY 2008-09 ANNUAL ACTION PLAN

Approve the Substantial Amendment to FY2008 Annual Action Plan and accept Community Development Block Grant - Recovery (CDBG-R) funds from United States Department of Housing and Urban Development, (HUD) under the American Recovery and Reinvestment Act of 2009, in the not-to-exceed amount of \$588,782 for the purpose of modernizing infrastructure. CDBG-R funds specifically will support community development projects in the Towns of Guadalupe (\$138,782) and Youngtown (\$450,000) that are "shovel-ready". Authorize the Chairman to sign all documents related to these grant funds, as applicable.

The term of the grant is from the date funds are awarded by HUD through September 30, 2012.

FUNDING SUMMARY TOTALS

Urban County CDBG-R Allocation \$588,782

1. Youngtown Alley Paving \$450,000

2. Guadalupe Gastelo Neighborhood Sidewalks \$138,782

The grant allows a 10% rate for indirect costs for the administration of the grant. The Maricopa County Community Development FY2010 indirect rate is 12.7%. Therefore, the recoverable indirect cost of administering the grant is potentially \$58,878, and the non-recoverable indirect cost is at least \$15,897.11. However, because of the nature of the CDBG-R funding, the projects and objective are achievable within the normal course of CDBG grant administration. Maricopa County Community Development does not intend to utilize the administrative allowance for this grant as sufficient administrative funds are available through its annual CDBG entitlement allocation. The CDBG entitlement grant allows for 20% administrative costs. (C-17-09-053-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Workforce Management and Development

A-4. PROPOSED CHANGES TO RULE 12 OF THE MARICOPA COUNTY EMPLOYEE MERIT SYSTEM RULES, CONTAINING LEAVE PLAN PROVISIONS FOR CLASSIFIED EMPLOYEES

Approve changes to Rule 12 of the Maricopa County Employee Merit System Rules, previously approved by the Board in spreadsheet format on December 17, 2008, with an effective date of July 1, 2009, for all changes except for the four-week average schedule rule associated with Holiday Leave. Consistent with the requirements in the Maricopa County Employee Merit System Resolution, all changes to Rule 12 included with this agenda item were previously submitted to, and approved by the Maricopa County Employee Merit Commission on April 1, 2009.

The rules for paid and unpaid leave for Maricopa County employees are contained in two separate documents: (1) The "Master" Leave Plan, which is accessed on the EBC, applies to unclassified, classified and contract employees, and on a limited basis to temporary employees. (2) Rule 12 of the Maricopa County Employee Merit System Rules contains the Leave Plan provisions for merit-protected employees covered by those specific rules.

The proposed Rule 12 changes are related to the outsourcing and conversion of the County's HRIS system from PeopleSoft to ADP, currently anticipated to occur during the fourth quarter of calendar year 2009. The Rule 12 changes were proposed for one of the following reasons: (1) the changes were necessary because the new HRIS system cannot process employee leave using the rules in place under PeopleSoft; (2) the changes represented an update or "best practice" recommended by ADP; or (3) the changes clarified or improved existing processes and provisions in Rule 12. In addition, the proposed changes submitted to and approved by the Merit Commission also included a number of "cleanup" revisions that updated County references or corrected grammar and syntax. As previously stated, the proposed Rule 12 changes were already approved in concept by the Board on December 17, 2009, and the full text of the Rule 12 revisions were approved by the Merit Commission on April 1, 2009.

At the time that the Rule 12 revisions were submitted to the Merit Commission, the Director, WM&D requested that the effective date of revised Rule 12 be deferred until the "go-live" date for the new HRIS system, which was then anticipated to be sometime during May, 2009. Since that time the HRIS conversion has experienced a number of delays, and the Merit Commission has now been asked to approve an effective date of July 1, 2009, with one exception: the four-week average schedule rule associated with Holiday Leave is not feasible in a PeopleSoft environment, and must be delayed until the cut over to ADP occurs. With this one exception, all the other Leave Plan changes are feasible in the PeopleSoft environment, and a July 1, 2009 effective date is requested for the Rule 12 revisions. (C-31-09-017-6-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Correctional Health

A-5. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF PUBLIC HEALTH FOR INCREASE GRANT FUNDING FOR STD GRANT

Approve Amendment No 2 to an Intergovernmental Agreement between Arizona Department of Health (ADHS) and Maricopa County through the department of Correctional Health Services in the not-to-exceed amount of \$7,182. This amendment is funded by a grant from ADHS, C-26-08-009-01. The purpose of this amendment is to increase grant revenue. This amendment is effective from January 1, 2009 to December 31, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect. Also, approve a revenue and expenditure increase of \$8,591 to the FY 2008-09 Department of Correctional Health (260) Correctional Health Grant Fund (292) Operating Budget (0000) for this and the prior amendment. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Indirect costs at 5.30% are allowable. Calculated indirect costs are \$361.49. (C-26-09-003-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Consent Agenda-Clerk of the Board

A-6. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-444-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to convene as the Board of Directors of various districts.

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, June 03, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. FY 2009 BUDGET ADJUSTMENT #4

Approve the following adjustments to the Flood Control District of Maricopa County (District) (690) FY 2009-2013 Five-Year Capital Improvement Program (CIP), which result in a net change of \$0:

Decrease Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project Reserve (FCPR) by \$1,655,000

Increase Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project F026 – City of Phoenix by \$50,000
Project F027 – City of Scottsdale by \$30,000
Project F043 – Town of Queen Creek by \$10,000
Project F121 – East Maricopa Floodway by \$300,000
Project F207 – Buckeye FRS No. 1 by \$20,000
Project F310 – Powerline Dam by \$50,000
Project F331 – Saddleback FRS by \$30,000
Project F343 – Wickenburg ADMS by \$50,000
Project F400 – Skunk Creek and New River by \$700,000
Project F442 – East Mesa ADMP by \$300,000
Project F480 – Queen Creek ADMP by \$50,000
Project F590 – Scatter Wash by \$5,000
Project F625 – Metro ADMP by \$10,000
Project F700 – Floodprone Property Assistance Program by \$50,000

This Agenda Item impacts all Supervisory Districts. (C-69-09-071-2-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

F-2. 09032-ROQ, ON -CALL GENERAL LEGAL COUNSEL SERVICES - FCD

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09032-ROQ

Item: On -Call General Legal Counsel Services - FCD (\$900,000.00 estimate/three years until June 30, 2012, with three one-year renewal options) Recommendation for award of

three year contract to provide on-call general legal counsel services to/for Flood Control District.

Green & Baker
Helm & Kyle
Kelhoffer, Manolio & Firestone
Julie Lemmon
Littler Mendelson
Moyes, Sellers & Sims LTD
Sacks Tierney P.A. (C-73-09-085-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, June 03, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. DONATIONS TO THE LIBRARY DISTRICT

Approve and accept the following donations: 14 Baker and Taylor books and media to the SERL from the Friends at the Southeast Regional Library valued at \$7,056.14. Baker & Taylor products to Southeast Regional Library from the Friends at the Southeast Regional Library valued at \$4,014.27. Outdoor Bookdrop to the Litchfield Park Branch Library from the Friends of the Litchfield Park Library valued at \$4,769.10 and a Laptop computer valued at \$1,227.50. An automatic outside door to the Ed Robson Branch Library from the Friends of the Robson Branch valued at \$4,681.69. Cash to the North Valley Regional Library from the New Friends of the North Valley Regional Library in the amounts of \$750.00 for Summer Reading Program and for \$300.00 for grand prizes for Summer Reading Program. Total Cash is \$1,050 and Total Value of products is \$21,748.70. (C-65-09-016-D-00)

Motion to approve by: Director Stapley, Seconded by: Director Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

L-2. EXCEPTION TO TECHNOLOGY FINANCE PROGRAM FOR LIBRARY DISTRICT

Approve an exception to the technology finance program for applicable equipment items and their related components that have been acquired or will be acquired on the basis of funding approved in Board of Supervisors actions C-65-09-010-1 and C-65-09-11-2. Projects include the appropriation of the Sun City Branch Library and the Polaris Expansion. Approval is necessary because one-time funding requires one-time purchases. (C-65-09-017-M-00)

Motion to approve by: Director Stapley, Seconded by: Director Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

L-3. IGA BETWEEN THE MARICOPA COUNTY LIBRARY DISTRICT AND MARICOPA COUNTY

Approve the Intergovernmental Agreement (IGA) between the Library District and Maricopa County that will allow the Parks Department to provide land in the White Tank Mountain Regional Park preserve where the Library District will build a library and Park Nature Center. The term of this Agreement shall commence on the effective date and shall expire 25 years thereafter with one renewable 25-year period.

The County shall provide the Library District with the land. The District will pay the expense of the construction of the building, including the 3300 sq.-ft. space for the Park Nature Center. The Board approved the construction of the White Tank Branch Library on September 15, 2008 C-65-09-005-5-00. A corresponding agenda item can be found under C-30-09-033-3-00. (C-65-09-020-M-00)

Director Kunasek declared a conflict of interest in this item and recused himself.

Motion to approve by: Director Brock, Seconded by: Director Stapley

Ayes: Stapley, Brock, Wilson

Absent: Wilcox

No Vote: Kunasek

L-4. REAPPOINTMENT TO THE LIBRARY DISTRICT CITIZENS' ADVISORY COMMITTEE

Approve the reappointment of Sue Jordan to the Library District Citizens' Advisory Committee representing Supervisorial District 1. The term of the appointment will be effective as of July 1, 2009 through June 30, 2011. (C-06-09-425-9-00)

Motion to approve by: Director Stapley, Seconded by: Director Kunasek

Ayes: Kunasek, Stapley, Brock, Wilson

Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

STADIUM DISTRICT AGENDA

The Board of Directors of the Stadium District convened in Formal Session at 9:00 AM on Wednesday, June 03, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

S-1. REAPPOINTMENTS TO THE ARIZONA DIAMONDBACKS FOUNDATION BOARD OF DIRECTORS

Approve the reappointment of the following members to the Arizona Diamondbacks Foundation Board of Directors:

Roy G. Hendrickson, Supervisorial District 1
William K. Perry, Supervisorial District 3
Michael Yates, Supervisorial District 4
Isaac Serna, Supervisorial District 5

The term of the appointments will be effective July 1, 2009 through June 30, 2011. (C-06-09-424-9-00)

The Directors all noted their appreciation to the individuals accepting reappointments to this Board of Directors, and also to all those citizens who serve on the other boards and commissions for the County. Chairman Wilson noted that the Diamondbacks Foundation is probably one of the more "fun" appointments but many of those serving on the other boards also accept reappointments and he thanked them all, saying, "it is good people, doing good things, for good reasons."

Motion to approve by: Director Brock, Seconded by: Director Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Official Record Keeper

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

86. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

No member of the public came forward to comment at this time.

87. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Kunasek reported that today is the funeral for Kerrie and Austin Martin, wife and son of the AZ State Treasurer. He asked all to keep the family in their prayers.

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

CODE ENFORCEMENT REVIEW

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

PZ-1. KACER - V200801132

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200801132, Kacer (Supervisor District 4) (C-44-09-139-M-00)

Darren Gerard said this case is for construction of a block wall without obtaining a permit or clearance. The case opened on a citizen complaint in July 2008 and was verified. An application was submitted soon after but the wall was completed in January 2009, still unpermitted. A hearing took place in February 2009 and the applicant was found to be responsible. Fines of \$300 plus \$30 per diem until a drainage inspection is completed and compliance is verified was set forth by the Hearing Officer. Mr. Gerard said it appeared from a recent routine "drive-by" that compliance could be achieved if applicant calls for another drainage inspection.

Applicant was present and said it would cost \$150 for another inspection and he is unemployed, and has been unemployed for six months. He said he was unable to pay the accrued fines. He said he had written several times asking for a courtesy

reinspection so this could be closed.

Motion to continue to July 20, 2009, informal meeting, by: Supervisor Stapley,
Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

The Clerk noted the duplication of items 1 and 3 in the Planning Agenda and said item 1 would be deleted. The agenda would begin with the Comprehensive Plan Amendment of item #2.

REGULAR AGENDA

4. ~~SPECIAL USE PERMIT - BRITT FARM WCF~~

~~Case Number: Z2006083~~
~~Supervisory District: 5~~
~~Applicant: Quinn United Services on behalf of AT&T Mobility~~
~~Location: East of Avondale Boulevard and south of Southern Avenue at 6247 South Avondale Boulevard (in the Avondale area)~~
~~Request: Special Use Permit (SUP) for a Wireless Communication Facility - 80' high monopole stealth designed as a pine tree, or "monopine", with potential for three antenna arrays in the Rural 43 zoning district and in Wireless Communication Facility Use District 1~~
~~Commission Action: By a vote of 5-1, recommended Approval subject to staff recommended stipulations "a" "t" as listed in the attached minutes.~~

~~The applicant presented material at the Commission hearing in order to demonstrate area topographic constraints and the necessary elevation needed to meet the radio frequency needs of their cellular carrier prevent collocation onto an existing monopole located proximate on a neighborhood property.~~

~~The owner of the property to the south (Micholona) provided another letter of opposition and a letter from a consultant who had done business with Mr. Micholona over the years.~~

~~* Subsequently staff received three (3) more letters, and revised petitions from both the opposition and the support. A super majority vote is still required.~~

~~The additional letters and revised petitions along with a revised Support/Opposition table and map have been included as attachments to this staff report.~~

~~This item was continued from the May 6, 2009 meeting.~~

~~(C 44-09-136-7-00)~~

2. COMPREHENSIVE PLAN AMENDMENT - DESERT VALLEY VISTAS

Case Number: CPA200810
Supervisory District: 4

District:
Applicant: Earl, Curley & Lagarde, PC for 411 Investments, LLC
Location: Northeast corner of 411th Avenue & Thomas Road
Request: Comprehensive Plan Amendment to change the land use designation from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) and Neighborhood Retail Center (NRC) (approx. 40.0 ac.)
Commission Action: Approve by a vote of 8-0 subject to staff recommended stipulations 'a' through 'g'.
(C-44-09-140-7-00)

Darren Gerard gave background details of this case. He said there is no known opposition and the recommendation is for approval with stipulations "a" through "g" as approved by the Planning Commission. Approval is by resolution.

Stephen Earl, spoke for the applicant, saying that development has slowed but this is a good transition parcel and the applicant is in agreement with the stipulations.

**RESOLUTION OF AMENDMENT
Eye to the Future 2020, Maricopa County Comprehensive Plan
Resolution Amending the Maricopa County Comprehensive Plan**

BE IT RESOLVED by the Maricopa County Board of Supervisors as follows:

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

WHEREAS, Case number CPA200810 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all public hearing notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

NOW, THEREFORE BE IT RESOLVED that the comprehensive plan amendment application for case number CPA200810, is hereby approved this 3rd day of June, 2009.

Motion to concur with Planning and Zoning Commission recommendation for approval
by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

3. SPECIAL USE PERMIT - BRITT FARM WCF

Case Number: Z2006083
Supervisory District: 5
Applicant: Quinn United Services on behalf of AT&T Mobility for Kendall & Elizabeth Britt
Location: East of Avondale Blvd. and south of Southern Ave. at 6247 S. Avondale Blvd. (in the Avondale area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility – 80' high monopole stealth designed as a pine tree, or "monopine", with potential for three antenna arrays - in the Rural-43 zoning district and in Wireless Communication Facility Use District 1
Commission Action: By a vote of 5-1, recommended Approval subject to staff recommended stipulations "a" – "t".
(C-44-09-142-7-00)

Darren Gerard said the applicant has been working closely with Supervisor Wilcox on this item and in her absence he would ask for a 60 day continuance.

Motion to continue to the August 5, 2009, meeting, by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

4. ZONE CHANGE - DESERT VALLEY VISTAS

Case Number: Z2007131
Supervisory District: 4
Applicant: Earl, Curley and Lagarde, PC for 411 Investments, LLC
Location: Northeast corner of 411th Avenue & Thomas Road (in the Tonopah area)
Request: Zone Change from Rural-43 to R1-6 (approx. 35.0 ac.)
Commission Action: By a vote of 8-0 recommended approval subject to staff recommended stipulations "a" – "y".
(C-44-09-143-7-00)

Darren Gerard said this is the zoning portion for item #2 and the recommendation is for approval with Commission approved stipulations.

Motion to concur with Planning and Zoning Commission recommendation for approval
by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox,

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned on a motion by Supervisor Stapley, seconded by Supervisor Brock:

Ayes: Kunasek, Stapley, Brock, Wilson

Absent: Wilcox

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board